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SUBJECT: INDEPENDENT MP POSSIBLY ARRESTED, STRIPPED OF IMMUNITY

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¶1. (U) A March 16 parliamentary session on Prime Minister Rasizade's annual report on the government's performance was disrupted by a scuffle between MPs that resulted in the apparent March 19 arrest of independent MP Hussein Abdullayev. During the March 16 session, Abdullayev harshly criticized the Prime Minister's report, describing it as "insulting to the Azerbaijani people." Parliament Speaker Oqtay Asadov interrupted Abdullayev and ordered his microphone switched off. However, Abdullayev continued to criticize the report, and his remark that that the report "does not reflect reality" prompted pro-government MP Fazail Aghamaly to shout out in protest. In response to Aghamaly's comments, Abdullayev used obscene language. News video captured the ensuing scuffle, which Aghamaly appears to have begun by kicking Abdullayev. Abdullayev then hit Aghamaly twice in the face, knocking him off his feet. Abdullayev and several other deputies later walked out of the session, in protest against the government's report. The incident received wide TV coverage and has been discussed for several days on national television.

¶2. (SBU) News agencies report that on March 17, Prosecutor General Zakir Garalov informed the Speaker of Parliament that a criminal case had been opened against Abdullayev and requested that Parliament deprive Abdullayev of his parliamentary immunity. On March 19, the parliament voted 79-15 to approve the disciplinary commission's recommendation that the Prosecutor General's request be granted, stripping Abdullayev of his parliamentary immunity. Deputy Prosecutor General Rustam Usubov read out the Prosecutor General's statement that a criminal case was opened against Mr. Abdullayev, who is charged with articles 132 (deliberately causing battery or causing a physical pain by violent actions) and article 221.2.2. (hooliganism, committed with resistance to representative of the authority, acting as on protection of a social order or stopping infringement of a social order or with resistance to other person). The latter charge is punishable by up to two years of corrective works or up to five years of imprisonment.

¶3. (SBU) Embassy contacts report that on March 19, prior to the Parliament's vote on Abdullayev's immunity, police surrounded Abdullayev's apartment and possibly arrested him. Realny Azerbaijan Editor Eynulla Fatullayev (STRICTLY PROTECT), told emboff that Hussein Abdullayev had been arrested at 10:30 am on his way to a meeting with the OSCE, reportedly by the MNS. He also said that Abdullayev's family cannot locate him and is worried for his safety. OSCE staff separately confirmed that Abdullayev did not attend their scheduled meeting. Popular news website Day.az reported that Abdullayev was indeed arrested, quoting Abdullayev's personal driver as the source of information, a report later picked up by Azadlig Radio (Radio Liberty). Other sources claim that Sabail court may announce a verdict on his arrest today. ANS radio announced on March 19 that MP Fazail Aghamali, chairman of Ana Vatan party, will be also subject of disciplinary commission's decision after Novruz holidays.

¶4. (SBU) COMMENT: While the details of Abdullayev's possible arrest remain unclear, we are troubled by both the apparent procedural problems in this case and the broader message that it sends regarding individual MPs' ability to criticize the government.

Given Abdullayev's extensive business holdings, there also could be other motivations behind his possible arrest. We continue to monitor the case and are consulting other diplomatic missions, including the OSCE, to develop a joint approach.

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